THE PROCEEDINGS OF THE High Court of Iustice,

With *CHARLS STUART*, late King of *England*, in

Westminster Hall,

Begun January 20. ended January 27, 1648:

Together with his Speech on the Scaffold at his Execution at Whitehall gate, Jan. 30. 1648.

Whereunto is added his prayers in the time of his sufferings: And also, his Speeches to his children; with a Letter from the *Prince*.

Together with his Reasons against the Jurisdiction of the High court of Iustice, which he intended to deliver in writing on Munday, *Jan.* 22. 1648.

LONDON, Printed for *W. B.* 1655.

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The first dayes proceedings of the High Court of Justice, in the Tryal of *Charls Stuart*, King of England, in the great hall in *Westminster*, *Jan.* 20. 1648.

ON Saturday, being the twentieth day of *January* 1648. The Lord *Bradshaw* President of the High Court of Justice, with neer fourscore of the Members of the said Court, having sixteen Gentlemen with Partizans, and a Sword, and a Mace, with their, and other Officers of the said Court, marching before them, came to the place ordered to be prepared for their sitting, at the West end of the great Hall in *Westminster*, where the Lord President in a Crimson Velvet Chair, fixed in the midst of the Court, placed himself, having a Desk with a Crimson Velvet Cushion before him; The rest of the

Members placing themselves on each side of him upon the severall Seats, or Benches, prepared and hung with Scarlet for that purpose, and the Partizans dividing themselves on each side of the Court before them:

The Court being thus set, and silence made, the great Gate of the said Hall was set open to the end, That all persons, without exception, desirous to see, or hear, might come into it, upon which the Hall was presently filled, and silence again ordered.

This done Colloncl *Thomlinson*. who had the charge of the Prisoner, was commanded to bring him to the Court, who within a quarter of an hours space brought him attended with about twenty Officers with *Partizans* marching before him, there being other Gentlemen, to whose care and custody he was likewise committed, marching in his Rear.

Being thus brought up within the

fac-

face of the Court, the Serjeant at Arms, with his Mace, receives and conducts him ſtraight to the B r, having a crimſon velvet Chair ſet before him. After a ſtern looking upon the Court, and the people in the Galleries on each ſide of him, he places himſelf, not at at all moving his hat, or otherwiſe ſhewing the leaſt reſpect, to the Court, but preſently riſes up again, and turns about, looking downwards upon the Guards placed on the left ſide, and on the multitude of ſpectators on the right ſide of the ſaid great Hall. After ſilence made among the people, The Act of Parliament, for the trying of *CHARS STUART* King of *England*, was read over by the Clerk of the Court, who ſate on one ſide of the Table covered with a rich Turky Carpet, and placed at the feet of the ſaid Lord Preſident, upon which table was alſo laid the Sword and Mace.

After reading the said Act, the several names of the Commissioners were called over, every one who was present, being eighty, as aforesaid, rising up, and answering to his call.

Having again placed himself in his Chair, with his face towards the Court, silence being again ordered, the Lord *President* stood up and said.

Lord President. *CHARLS STUART*, King of *England*; the Commons of *England* assembled in *Parliament*, being deeply sensible of the Calamities that have been brought upon this Nation (which is fixed upon you as the principall Author of it) have resolved to make inquisition for Blood, and according to that Debt and duty they owe to Justice, to God, the Kingdome, and themselves, and according to the Fundamental *Power* that rests in themselves, they have resolved to bring you to tryall and Judgment, and for that purpose have

constituted

conſtituted this High Court of Juſtice, before which you are brought.

This ſaid, M. *Cook* Attorney for the Commonwealth (ſtanding within a Bar on the right hand of the *Priſoner*) offered to ſpeak, but the King having a ſtaff in his hand, held it up. and laid it upon the ſaid M. *Cooks* ſhoulder two or three times, bidding him hold; nevertheleſs, the Lord Preſident ordering him to go on, he ſaid:

M. *Cook*: My Lord, I am commanded to charge *Charls Stuart* King of *England*, in the name of the Commons of *England*, with Treaſon and high Miſdemeanors; I deſire the ſaid Charge may be read.

The ſaid Charge being deliverd to the Clerk of the Court, the Lord *Preſident* ordered it ſhould be read, but the King bid him hold: nevertheleſs, being commanded by the Lord *Preſident* to read it, the Clerk begun.

The Charge of the Commons of England *against* Charls Stuart *King of* England, *of high Treason, and other high crimes, exhibited to the High Court of Iustice.*

THat the said *Charls Stuart* being admitted King of *England*, and therein trusted with a *limited Power*, to govern by, and according to the Laws of the Land, and not otherwise; and by his Trust Oath, and Office, being obliged to use the power committed to him, *for the good and benefit of the people*, and for the preservation of their rights and liberties, yet nevertheless out of a *Wicked design*, to erect, and uphold in himself an unlimited and Tyrannicall power to rule *according to his Will*, and to overthrow the Rights and Liberties of the people; yea, to take away, and make void the foundations, thereof and of all redress and remedy of misgovernment, which by the fundamentall Constitutions of

this

this Kingdome, were reserve on the peoples behalf, in the right and power of frequent and successive parliaments, or National meetings in Councel; he, the said *Charls Stuart*, for accomplishment of such his *designs* and for protecting of himsef and his adherents, in his, and their *wicked practises* to the same Ends, hath trayterously and maliciously levyed War against the *present Parliament, and the people therein represented*

Particularly, upon or about the thirtieth day of *June*, in the year of our Lord, One thousand six hundred fourty and two at *Beverley* in the County of *York*, and upon or about the thirtieth day of *July* in the yeere aforesaid, in the County of the city of *York*, and upon or about the twenty fourth day of *August*, in the same yeare, at the County of the town of *Nottingham*, when, and where hee set up his *Standard of War*.

And

And upon, or about the twenty third day of *October* in the ſame year, at *Edge-Hill* and *Kinton field*, in the County of *Warwick*, and upon, or about the thirtieth day of *November*, in the ſame year, at *Brainford*, in the County of *Midleſex*: and upon, or about the thirtieth day of *Auguſt*, in the year of our Lord, one thouſand ſix hundred forty and three, at *Caveſham Bridge*, neer *Reding*, in the County of *Berks*: and upon, or about the thirtieth day of *October*, in the year laſt mentioned, at, or neer the City of *Gloceſter*; and upon, or about the thirtieth day of *November*, in the year laſt mentioned, at *Newberry*, in the County of *Berks*, and upon, or about the one and thirtieth day of *July*, in the year of our Lord, one thouſand ſix hundred forty and four, at *Copredy-Bridge*, in the County of *Oxon*: and upon, or about the thirtieth day of *September*, in the year laſt mentioned,

at

at *Bodmin*, and other places neeradjacent, in the County of *Cornwall*; and upon, or about the thirtieth day of *November*, in the year last mentioned, at *Newbery* aforesaid: and upon, or about the eighth day of *June*, in the year of our Lord, one thousand six hundred forty and five, at the town of *Leicester*: and also upon the fourteenth day of the same month, in the same year, at *Naseby field*, in the County of *Northampton*, at which several times and places, or most of them, and at many other places in this Land, at several other times, within the yeere afore mentioned; and in the year of our Lord, one thousand six hundred forty and six: he the said *Charls Stuart* hath caused and procured many thousands of the Free-People of the nation to be slain, and by *Divisions*, *Parties*, *and Insurrections*, within this land, by invasions from Forraign parts, endeavoured and procured by him, and

by

& by *many other evil ways & means*, he the ſaid *Charls Stuart*, hath not only *maintained and carried on* the ſaid war, *both by Land and Sea*, during the years before mentioned; but alſo *hath renewed, or cauſed to be renewed, the ſaid War* againſt the parliament, and good people of this Nation, in this preſent, one yeer thouſand ſix hundred fourty and eight, in the County of *Kent*, *Eſſex*, *Surrey*, *Suſſex*, *Middleſex*, and many other counties and places in England and Wales, and alſo by Sea: and particularly, he the ſaid *Charls Stuart*, hath for that purpoſe, *given Commiſſion to his ſon*, the Prince, and others; whereby, *beſides multitudes of other perſons*, many ſuch as were by the parliament intruſted and imployed for the ſafety of the Nation, being by him or his Agents corrupted, to the betraying of their truſt, and revolting from the parliament, have had

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entertainment and commiſſion, for the continuing and renewing of war and Hoſtility, againſt the ſaid parliament and people as aforeſaid. By which cruell and unnaturall Wars by him the ſaid *CHARLS STVART*, levyed, continued and renewed, as aforeſaid, much Innocent Blood of the Free-people of this nation hath been ſpilt: many Families heve been undone, the publike treaſury waſted and exhauſted, Trad obſtructed, and miſerably decayed vaſt expence and damage to the nation incurred, and many parts of the Land ſpoyled, ſome of them even to Deſolation.

And for further proſecution of his ſaid evil Deſigns, he, the ſaid *Charls Stuart*, doth ſtil continue his commiſſions to the ſaid prince, and other Rebels and Revolters, both Engliſh and Forreigners, and to the Earle of *Ormand*, and to the Iriſh Rebels, and

Revolters

Revolters, associated with him: from whom further *Invasions* upon this Land are threatned, upon the procurement, and on the behalf of the said *Charls Stuart*.

All which wicked *Designs*, *Wars*, and evil practises of him, the said *Charls Stuart*, have been, and are carryed on, for the advancing and upholding of the personal interest of *will and power*, and pretended *Prerogative* to himself and his family, against the publique interest, Common Right, Liberty, Justice, and peace of the people of this nation, by, and for whom he was entrusted, as aforesaid:

By all which it appeareth, that he, the said *Charls Stuart*, hath been, and is the occasioner, Author, and Contriver of the said unnaturall, cruell, and bloody Wars, and therein guilty of all the Treasons, Murthers, Rapines, burnings, Spoils, Desolations, Damage, and mischief to this nation, acted or committed

committed in the ſaid Wars, or occaſioned thereby.

And the ſaid *John Cook*, by proteſtation having on the behalf of the people of *England*, the liberty of exhibiting at any time hereafter any other Charge againſt the ſaid *Charls Stuart*; and alſo of replying to the anſwers which the ſaid *Charls Stuart* ſhall make to the premiſes, or any of them, or any other Charge that ſhall be ſo exhibited, doth for the ſaid *Treaſons* and *Crimes*, on the behalf of the ſaid people of *England*, Impeach the ſaid *Charls Stuart* as a Tyrant, Trayto Murtherer, and a publike, and In cable Enemy to the Commonwealt of *England*. And pray, that the ſaid *Charls Stuart*, King of *England*, may be put to anſwer all, and every the Premiſes, that ſuch proceedings, examinations, tryals, ſentence, and judgment, may be thereupon had, as ſhall be agreeable to Juſtice.

It

IT is observed, that the time the Charge was reading, the King sate down in his Chair, looking sometimes on the *Court*, somtimes up to the Galleries, and having risen again and turned about to behold the Guards, and spectators, sate down, looking very sternly with a countenance not at all moved, til these words, *viz. Charls Stuart* to bea *Tyrant* and *Traytor*, *&c.* were read, at which he laughed as he sate in the face of the *Court*.

The charge being read the Lord president replyed:

Lord president. Sir, you have now heard your charge read, containing such matters as appears in it; you find, that in the close of it, it is prayed to to the *Court*, in the behalf of the *Commons* of *England*, that you answer to your *Charge*. The *Court* expects your answer.

The King.

The King: I would know by what power I am called hither; I was not long ago in the *Isle of Wight*, how I came there, is a longer story than I think is fit at this time for me to speak of; but there I entred into a TREATY with both *Houses* of parliament with as much publique faith as it's possible to bee had of any people in the World: I treated there with a number of Honorable Lords and Gentlemen, and treated honestly and uprightly, I cannot say but they did very nobly with me, wee were upon a conclusion of the Treaty. Now I would know by what Authority, I mean lawful, there are many unlawful authorities in the world, Theeves and Robbers by the high way, but I would know by what authority I was brought from thence, and carryed from place to place, and I know not what

and

and when *I* know by what lawful authority, I ſhall anſwer: Remember I am your king, and what ſins you bring upon your heards, and the judgment of God upon this Land, think well upon it, I ſay, think wel upon it, before you go further from one ſin in a greater; therefore let me know by what lawful authority I am ſeated here, and I ſhall not be unwilling to anſwer, in the mean time I ſhall not betray my truſt, I have a truſt committed to me by God, by old and lawful deſcent, I will not betray it to anſwer to a new unlawfull authority, therefore reſolve me that, and you ſhall hear more of me.

Lord Preſident. If you had been pleaſed to have obſerved, what was hinted to you by the Court, at your firſt coming hither, you would have known by what authority; which authority requires you, in the name of the people of England, of which you

you are elected King, to answer them.

The King. No Sir, *I* deny that.

Lord President. If you acknowledg not the authority of the Court, they must procced.

The King. I do tel them so, *England* was never an Elective Kingdome, but an hereditary Kingdom for neer these thousand years, therefore let me know by what authority I am called hither. I do stand more for the Liberty of my people than any here, that come to be my pretended Judges: and therefore let me know, by what *lawfull Authority* I am seated here, and I will answer it, otherwise I will not answer it.

Lord President. Sir, how really you have managed your Trust, is known: your way of answer is to interrogate the Court, which beseems not you in this condition. You have been told of it twice or thrice.

The King. Here is a Gentleman,

Lievt.

Lievt. Col. *Corbet*, ask him if he did not bring me from the *Iſle of Wight* by force? I do not come here as ſubmitting to the *Court*; I will ſtand as much for the priviledge of the houſe of *Commons*, rightly underſtood, as any man here whatſoever. I ſee no Houſe of Lords here that may conſtitute a parliament, and the King too ſhould have been. Is this the bringing of the King to his parliament? Is this the bringing an end to the Treaty in the publike Faith of the World? Let me ſee a legall authority warrranted by the Word of God, the Scriptures, or warranted by the conſtitutions of the Kingdome, and I will Anſwer.

Lord preſident. Sir, you have propounded a Queſtion, and have been anſwered, ſeeing you will not anſwer, the *Court* will conſider how to proceed, in the mean time, thoſe

thoſe that brought you hither, are to take charge of you back again.

The Court desires to know whether this be all the anſwer you will give, or no.

The King. Sir, I deſire that you would give me, and all the World, ſatisfaction in this, let mee tell you, it is not a ſlight thing you are about I, am ſworn to keepe the peace by that duty I owe to God and my *Country*, and I will do it to the laſt breath of my Body, and therefore you ſhall do well to ſatisfie, firſt God, and then the Country, by what Authority you do it, if you do it by a uſurped Authority, that will not laſt long, There is a GOD in Heaven that will call you, and all that give you power, to account: Satisfie me in that, and I will Anſwer, otherwiſe I betray my Truſt, and

and the liberties of the people, and therefore think of that, and then I shall be willing. For I do avow, that it is as great a sin to withstand lawful authority, as it is to submit to a Tyrannicall, or any other ways unlawful authority and therefore satisfie God, and me, and all the World in that, and you shall receive my answer; I am not afraid of the bill.

Lord President. The Court expects you should give them a finall answer their purpose is to adjourn till Munday next, if you do not satisfie your self, though we do tel you our authority; we are satisfied with our authority, and it is upon *Gods Authority* and the Kingdoms, and that peace you speak of wil be kept in the doing of Justice, and that's our present work.

The King. Let me tel you, if you wil shew me what lawful authority you have, I shal be satisfied: but that you have said, satisfies no reasonable man.

Lord President.

Lord president. That's in your apprehenſion: we think it reaſonable that are your Judges.

The King. 'Tis not my apprehenſion, nor yours neither, that ought to decide it.

Lord preſident. The Court hath heard you, and you are to be diſpoſed of as they have commanded. *Two things were remarkable in this days proceedings.*

1. It is to be obſerved, that as the charge was reading againſt the King, the ſilver head of his ſtaff fel off, the which he wondred at, and ſeeing none to take it up, he ſtooped for it himſelf.

2. That as the King was going away, he looked with a very auſtere countenance upon the Court, with ſtirring of his Hat replyed, wel Sir, when the *Lord preſident* commanded the Guard to take him away; and at his going down he ſaid, *I do not fear that*, pointing with his ſtaff at the ſword.

The

The people in the hall, as he went down the ſtairs cryed out, ſome, *God ſave the King*, and ſome for *Juſtice*.

O yes being called, the Court adjourned til Monday next, *Ianuary* 22. at 9. in the morning to the painted Chamber, and from thence to the ſame place again in *Weſtminſter* Hall.

At the high Court of Iuſtice ſitting in VVeſtminſter Hall, Monday, Ianuary 22. 1648.

OYes made: Silence commanded. The Court called, and anſwered to their names.

Silence commanded upon pain of impriſonment, and the *Captain* of the Guard to apprehend all ſuch as make diſturbance.

Upon the Kings comming in, a ſhout was made,

Command given by the Court to the *Captain* of the Guard to fetch and take into his cuſtody, thoſe who make any diſturbance.

Mr.

Mr. Sollicitor. May it please your Lordship, my Lord President.

I did at the last Court in the behalf of the Commons of England, exhibit and give into this Court a Charge of High Treason, and other high Crimes, against the prisoner at the Bar, whereof I do accuse him in the name of the people of England, and the Charge was read unto him, and his answer required. My Lord, hee was not then pleased to give an Answer, but instead of answering, did there dispute the Authority of this high Court. My humble motion to this high *Court*, in behalf of the Kingdome of *England*, is, That the prisoner may be directed to make a positive Answer, either by way of *Confession* or *Negation*; which if he shall refuse to do, that the matter of *Charge* may be taken *pro confesso*, and the *Court* may proceed according to justice.

Lord Preſident. Sir, you may remember at the laſt Court you were told the occaſion of your being brought hither, and you heard a Charge againſt you, containing a Charge of High Treaſon, and other high Crimes, againſt this Realm of England: you heard likewiſe, that it was prayed in the behalf of the people that you ſhould give an anſwer to that Charge, that thereupon ſuch proceedings might be had as ſhould be agreeable to juſtice; you were then pleaſed to make ſome ſcruples concerning the Authority of this Court, and knew not by what authority you were brought hither; you did divers times propound your queſtions, and were as often anſwered, That it was by authority of the *Commons of England aſſembled in Parliament*, that did think fit to call you to account for thoſe high and capital miſdemeanours wherewith you were then

then charged: Since that, the Court hath taken into consideration what you then said, they are fully satisfied with their own authority, and they hold it fit you should stand satisfied with it too: and they do require it, that you do give a positive and particular answer to this Charge that is exhibited against you, they do expect you should either confess or deny it, if you deny, it is offered in the behalf of the Kingdome to be made good against you, their authority they do avow to the whole World, that the whole Kingdome are to rest satisfied in, and you are to rest satisfied with it, and therefore you are to lose no more time, but to give a positive Answer thereunto.

The King, When I was here last, 'tis true, I made that question, and truly if it were only my own particular case, I would have satisfyed my self

with the proteſtation I made the laſt time I was here againſt the legality of this Court, and that a King cannot be tryed by any Superior Juriſdiction on Earth; but it is not my caſe alone, it is the Freedom and the liberty of the people of *England*, and do you pretend what you wil, I ſtand more for their liberties, for if power without law may make laws, may alter the fundamental laws of the kingdom, [illegible] know what Subject he is in *England*, that can be ſure of his life, or any thing that he calls his own; therfore when that I came here, I did expect particular Reaſons, to know by what law, what authority you did proceed againſt me here, and therefore I am a little to ſeek what to ſay to you in this particular, becauſe the affirmative is to be proved, the negative often is very hard to doe; but ſince I cannot perſwade you to do it, I ſhall tel you my reaſons as short as I can.

My

My reasons why in conscience, and the duty I owe to God, first and my people next, for the preservation of their lives, liberties, and estates, I conceive I cannot answer this, till I be satisfied of the legality of it.

All proceedings against any man whatsoever...

L. pr. Sir, I must interrupt you, which I would not do, but that what you do is not agreeable to the proceeding of any Court of Justice, you are about to enter into argument, and dispute concerning the authority of this Court, before whom you appear as a Prisoner, and are charged as an high Delinquent, if you take upon you to dispute the authority of the Court, we may not do it, nor will any Court give way unto it, you are to submit unto it, you are to give in a punctal and direct answer, whether you will answer your Charge or no, and what your answer is.

The King. Sir, by your favor, I do not know the forms of Law, I do know Law and Reason, though I am no Lawyer professed, but I know as much Law as any Gentleman in England: and therefore under favour, I do plead for the Liberties of the people of England more than you do, and therefore if I should impose a belief upon any man without reasons given for it, it were unreasonable; but I must tel you, that that reason that I have as thus formed, I cannot yeild unto it.

Lord President. Sir, I must interrupt you, you may not be permitted, you speak of Law and Reason, it is fit there should be Law and Reason and there is both against you. Sir, the Vote of the Commons of England assembled in Parliament, it is the reason of the Kingdom, and they are these too that have given that Law, according to which you should have ruled and raigned: Sir, you are not to dis-

pute

pute our authority; you are told it again by the Court, Sir, it wil be taken notice of, that you ſtand in contempt of the Court, and your contempt wil be recorded accordingly.

The King. I do not know how a King can be a Delinquent, not by any Law that ever I heard of, all men, Delinquents, or what you wil, let me tel you, they may put in Demurrers against any proceeding as legal, and I do demand that, and demand to be heard with my reaſons, if you deny that, you deny reaſon.

Lord Preſident. Sir, you have offered ſomthing to the Court, I ſhall ſpeak ſomething unto you the ſenſe of the Court. Sir, neither you nor any man are to diſpute that point, you are concluded, you may not demur the Juriſdiction of the Court, if you do, I muſt let you know, that they overrule your Demurrer, they ſit here by the authority of the Commons of

England, and all your predeceſſors, and you are reſponſible to them.

King. I deny that, ſhew me one preſident.

Lord preſident. Sir, you ought not to interrupt while the Court is ſpeaking to you, this point is not to be debated by you, neither will the Court permit you to do it, if you offer it by way of Demurrer to the Juriſdiction of the Court, they have conſidered of their Juriſdiction, they do affirm their own Juriſdiction.

The King. I ſay Sir, by your favor, that the commons of *England* was never a court of Judicature, I would know how they came to be ſo.

Lord preſident. Sir, you are not to be permitted to go on in that ſpeech, and theſe diſcourſes.

Then the Clerk of the Court read, as followeth,

Charls Stuart King of England, you have been accuſed on the behalf of the people

people of England, *of high Treason, and other high Crimes, the Court have determined that you ought to answer the same.*

The King. I will answer the same so soon as I know by what authority you do this:

Lord president. If this be all that you will say, then, Gentlemen, you that brought the Prisoner hither, take charge of him back again.

The King. I do require that I may give in my reasons why I do not answer, and give me time for that.

Lord president. Sir, tis not for prisoners to require.

The King. Prisoners, sir, I am no an ordinary prisoner.

Lord president. The court hath considered of their jurisdiction, and they have already affirmed their jurisdiction; if you will not answer, we shall give order to record your default.

The King. You never heard my reasons yet.

Lo

Lord Preſident. Sir, your Reaſons are not to be heard againſt the higheſt Juriſdiction.

The King: Shew me that Juriſdiction where reaſon is not be heard.

Lord Preſident. Sir, we ſhew it you here, the Commons of *England*; and the next time you are brought, you will know more of the pleaſure of the Court, and, it may be, their final determination.

The King. Shew me where ever the Houſe of *Commons* was a *Court* of Judicature of that kind.

Lord Preſident. Serjeant, take away the Priſoner.

The King. Wel ſir, remember that the King is not ſuffered to give in his Reaſons for the Libertie and freedome of all his ſubjects.

Lord Preſident. Sir, you are not to have Liberty to uſe this language; how great a friend you have been to the Law and liberties of the people

people, let all *England* and the wo
judg.

The King. Sir under favour, it w
the Liberty, Freedome, and La
of the Subject that ever I too
——defended my ſelf with Arms
never took up Arms againſt the pe
ple, but for the Laws.

Lord Preſident. The command
the court muſt be obeyed; no an
wer will be given to the charge.

The King. Wel ſir.

Then the Lord Preſident ordere
the default to be recorded, and th
contempt of the Court and that n
anſwer would be given to the charge
And ſo was guarded forth to Sir *Ro
bert Cottons* houſe.

Then the Court adjourned to th
painted Chamber on Tueſday a
twelve a clock, and from thence the
intend to adjourn to *Weſtminſter* Ha
at which time all perſons concerne
are to give their attendance;

At the high Court of Justice sitting in Westminster Hall, *Tuesday Jan.* 23. 1648.

O Yes made, Silence commanded. The Court called, Seventy three persons present.

The King comes in with his Guard, looks with an austere countenance upon the Court; and sits down.

The second O Yes made, and silence commanded.

Mr. *Cook* Solicitor General, may it please your Lordship, my Lord President.

This is now the third time, that by the great grace and favour of this high Court, the prisoner hath been brought to the Bar before any issue joyned in the cause. My Lord, I did at the first Court exhibite a Charge against him, containing the highest treason that ever was wrought upon the *Theatre* of *England*: that a King of *England*, trusted to keep the Law,

that

that had taken an oath ſo to do, tha
had tribute paid him for that end
ſhould be guilty of a wicked deſig
ſubvert and deſtroy our Laws, and in
troduce an *Arbitrary, and Tycannica*
Government, in the defence of the *pa*
liament and their authority, ſet up h
Standard for War againſt his *Parli*
ment and people, and I did humbl
pray, in the behalf of the *people of E*
gland, that he might ſpeedily be requ
red to make anſwer to the Charge.

But my Lord, inſtead of makin
ny anſwer, he did then diſpute th
authority of this High Court, yo
Lordſhip was pleaſed to give him
further day to conſider and to p
in his anſwer, which day beir
yeſterday, I did humbly move, th
he might be required to give a dire
and poſitive anſwer, either by d
nying or confeſſion of it, but n
Lord, hee was then pleaſad fot
demur to the juriſdiction of t

Co

lourt, which the Court did then o-
er-rule, and command him to give a
irect and positive answer. My Lord,
esides this great delay of Iustice, I
ial now humbly move your Lordship
or speedy judgment against him: My
ord, I might press your Lordship up-
n the whole, that according to the
nown Rules of the Law of the Land,
at if a prisoner shall stand as con-
macious in contempt, and shall not
ut in an issuable plea, guilty, or not
uilty of the Charge given against
im, whereby he may come to a faire
ryal; that as by an implicite confes-
on it may be taken *pro confesso*, as it
ath been done to those who have
eserved more favor than the prisoner
the Bar hath done: But besides, my
ord, I shall humbly press your Lord-
ip upon the whole Fact; the House
Commons, the supreme authority
d jurisdiction of the Kingdome,
ey have declared; That it is notori-
ous,

ous, that the matter of the Charge is true, as it is in truth, my Lord, as clear as Chryſtal, and as the Sun that ſhines at noon day, which if your Lordſhip and the Court be not ſatisfied in, I have notwithſtanding, on the people of Englands behalf, ſeveral witneſſes to produce: And therefore I do humbly pray, (and yet I muſt confeſs, it is not ſo much I, as the innocent blood that hath been ſhed, the cry whereof is very great for juſtice and judgment) that ſpeedy judgment be pronounced gainſt the priſoner at the bar.

Lord Preſident. Sir, You have heard what is moved by the Council on the behalf of the Kingdome againſt you, ſir, you may well remember, and if you do not, the Court cannot forget what delatory dealings the court hath found at your hands, you were pleaſed to propound ſome Queſtions, you have had your reſolution upon them You were told over and over againe

That the Court did affirm their own Juriſdiction: that it was not for you nor any man, to diſpute the *Juriſdiction of the ſupream and higheſt authority of England*, from which there is no appeal, and touching which there muſt be no diſpute; yet you did perſiſt in ſuch carriage, as you gave no manner of obedience, nor did you acknowledg any authority in them, nor the high Court, that conſtituted this Court of Juſtice.

Sir, I muſt let you know from the Court, that they are very ſenſible of theſe delays of yours, and that they ought not, being thus authorized by the ſupream Court of England, to be thus trifled withall, and that they might in juſtice, if they pleaſed, and according to the rules of juſtice, take advantage of theſe delays, and proceed to pronounce judgment againſt you; yet nevertheleſs they are pleaſed to give direction, and on

their

their behalfs, I do require you, that you make a positive answer unto the charge that is against you, sir, in plain terms, for Justice knows no respect of persons: you are to give your positive and finall answer in plain English, whether you be guilty or not guilty of these Treasons laid to your charge.

The King after a little pause, said, When I was here yesterday, I did desire to speak for the Liberties of the people of England; I was interrupted: I desire to know yet whether I may speak freely or not.

L. Pr. Sir, you have heard the resolution of the court upon the like question the last day, and you were told, that having such a Charge of so high a nature against you, and your work was, that you ought to acknowledg the jurisdiction of the court, *and to answer to your* Charge. Sir, if you answer to your Charge, which the court gives you leave now to do, though they might have

have taken the advantage of your contempt, yet if you be able to answer to your Charge, when you have once answered, you shall be heard at large, make the best defence you can: But Sir, I must let you know from the Court, as their commands, that you are not to be permitted to issue out into any other discourses, till such time as you have given a positive answer concerning the matter that is charged upon you.

The King For the Charge, I value it not a Rush, it is the Liberty of the people of England that I stand for, for me to acknowledg a new Court that I never heard of before, I that am your King, that should be an example to all the people of England for to uphold Justice, to maintain the old Laws; indeed I do not know how to do it, you spoke very well the first day that I came here, on *Saturday* of the Obligations that I had laid upon me by

by God, to the maintenance of the Liberties of my people: The ſame Obligation you ſpeak of, I do acknowledg to God, that I owe to him, and my people, to defend as much as lies, the ancient Laws of the Kingdom, therefore until that I may know that this is not againſt the *Fundamental Laws* of the kingdom, by your favour I can put in no particular Charge; if you will give me time, I will ſhew you my reaſons why, but ? *ſuppoſed*--I cannot do it, and this

* *This is as the King expreſs'd*

——— *he means anſ.*

Here being interrnpted he ſaid By your favor, you ought not to interrupt me, how I came here I know not, there's no Law for it, to make your King your Priſoner: ? was in a Treaty upon the publique faith of the Kingdome, that was the known two Houſes at Parliament that

was

was the representive of the Kingdom, and when that I had almost made an end of the Treaty, then I was hurried away, and brought hither and therefore ——— ——— ——— ———

Here the Lord president said, Sir, you must know the pleasure of the *Court*.

The King. by your favor Sir,

Lord president. Nay Sir, by your favour, you may not be permitted to fal into those discourses, you appear as a Delinquent, you have not acknowledged the authoritie of the *Court*, the *Court* craves it not of you, but once more they command you, to give your positive answer ——— *Clerk* do your duty

The King. Duty Sir!

The *Clerk* reads

Charls Stuart King of England, *You are accused in the behalf of the commons of England, of divers high crimes and treasons, which charge hath been read unto you; the Court now requires you to give*

give your positive and finall answer, by way of confession or denial of the charge.

The King. Sir, I say again to you, so that I might give satisfaction to the people of England of the clearness of my proceeding, not by way of answer, nor in this way, but to satisfie them that I have done nothing against that trust that hath been committed to me, I would do it; but to ackowledg a new Court against their priviledges, to alter the fundamental Laws of the Kingdome, Sir, you must excuse me.

Lord President. Sir, this is the third time that you have publiquely disowned this Court, and put an affront upon it; how far you have preserved priviledges of the people, your actions have spoke it, but truly Sir, mens intentions ought to be known by their actions, you have written your meaning in bloody Characters throughout the whole Kingdome, but Sir you understand the pleasure of the

Cour

court ——— ——— ——— ———

Clerk Record the default ———

and Gentlemen you that took charge of the prisoner, take him back again.

The King. I wil onely say this one word more to you, if it were onely My own particular, I would not say any more nor interrupt you.

Lord Pres. Sir, you have heard the pleasure of the *Court*, and you are (notwithstanding you will not understand it] to finde that you are before a Court of Justice.

Then the King went forth with his Guard, and proclamation was made, that all persons who had then appeard and had further to doe at the Court, might depart into the Painted *Chamber*, to which place the *Court* did forthwith adjourn, and intended to meet in *Westminster Hall* by ten of the clock the next morning.

Cryer. God bless the Kingdom of England.

Wednes-

Wednesday, January 24 1648.

THis day it was expected the high Court of Iustice should have met in *Westminster* Hall about ten of the clock, but at the time appointed, one of the Vshers by direction of the Court, then sitting in the *Painted Chamber*, gave notice to the people there assembled, that in regard the court was then upon the examination of Witnesses in relation to present affairs, in the *painted Chamber*, they could not sit there: but all persons appointed to be there, were to appear upon further summons.

The proceedings of the High Court of Iustice sitting in Westminster Hall, *on Saturday the* 27. *of Ianuary*, 1648.

OYes made; Silence commanded. The Court called, Serjeant *Bradshaw*, Lord president in a Scarlet robe, with 68. other Members of the Court.

As the King comes in, a cry made

in

in the Hall for execution juſtice, execution.

King. I ſhall deſire a word to be heard a little, and *I* hope I ſhal give no occaſion of interruption.

Lord Preſident. You may anſwer in your time, hear the Court firſt.

King. If it pleaſe you, Sir, I deſire to be heard, and I ſhall not give any occaſion of interruption, and it is only in a word, a ſudden judgment———

Lord preſident. Sir, you ſhall be heard in due time, but you are to hear the Court firſt.

King Sir, I deſire it, it wil be in order to what I believe the Court will ſay, and therefore ſir, a haſty judgment is not ſo ſoon recalled.

Lord preſident. Sir, you ſhall be heard before the judgment be given, and in the meantime you may forbeare.

King. Wel Sir, ſhal I be heard before the judgment be given.

Lord

Lord pref. Gentlemen, it is well known to all, or most of you here present, that the prisoner at the bar hath been severall times convented and brought before the *Court* to make answer to a *Charge* of Treason, and other high *Crimes* exhibited against him in the name of the people of * England; to which *Charge* being required to Answer, Hee hath been so farre from obeying the *Commands* of the Court by submitting to their Iustice, as Hee began to take upon him to offer reasoning and debate unto the Authority of the Court, and of the highest court that constituted them to try and judg him; but being overruled in that, & required to make his answer, he was still pleased to continue contumacious, & to refuse to submit or answer: Hereupon the court that they

* He a magnanimous lady interrupted the Court, saying, Not half the people; but she was soon Silenced.

may not be waning to themselves, to the trust reposed in them, nor that any mans wilfulness prevent justice, they have thought fit to take the matter into their consideration: they have considered of the contumacy, and of that confession, which in Law doth arise pon th at contumacy; they have likewise considered of the notoriety of the Fact charged upon this Prisoner, and upon the whole matter they are resolved, and have agreed upon a sentence to be now pronounced against this Prisoner; but in respect he doth desire to be heard before the sentence be read, and pronounced, the Court hath resolved that they wil hear him; yet Sir, thus much I must tel you before-hand, which you have been minded of at other Courts; that if that you have to say be to offer any debate concerning jurisdiction, you are not to be heard in it, you have offered it formerly, and

you

you have indeed ſtruck at the root, that is the power and *ſupream authority of the Commons of England*, which this Court will not admit a debate of, and which indeed is an irrationall thing in them to do, being a Court that acts upon Authority derived from them, that they ſhould preſume to judg upon their ſuperiority, from whom there's no Appeal: But Sir, if you have any thing to ſay in defence of your ſelf concerning the matters charged, the Court hath given me command to let you know they will hear you.

The King, Since that I ſee that you wil not hear any thing of debate concerning that which I confeſs I thought moſt material for the peace of the Kingdom, and for the Liberty of the Subject, I ſhall wave it, & ſhall ſpeak nothing to it; but onely I muſt tell you, that this many a day all things have been taken away from me, but

that that I call more deare to mee then my Life, which is, *My Conſcience and my Honour*; and if I had reſpect to my life more than the peace of the Kingdome, the Libertie of the Subject, certainlie I ſhould have made a particular defence for my ſelfe, for by that at leaſt-wiſe I might have delayed an uglie ſentence, which I believe wil paſs upon me: therefore certainlie ſir, as a man that hath ſome underſtanding, ſome knowledge of the world, if that my true zeale to my Countrie had not over born the care that I have of my own preſervation, I ſhould have gone another way to work than that I have done: now Sir I conceive, that an haſtie ſentence once paſt, may be ſooner repented then recalled, and truelie, the ſelf ſame deſire that I have for *the peace of the kingdome, and the Liberty of the ſubiect more than my own particular*, does make me now at laſt deſire, that having ſom-

thing

thing for to say that concerns both, I desire before sentence be given, that I may be heard in the *Painted* Chamber before the Lords and *Commons*, this delay cannot be prejudicial to you whatsoever I say, if I say no reason, those that heare me must be Judges, I cannot be Judg of that that I have, if it be reason, and reallie for the welfare of the Kingdom, and the libertie of the Subject, I am sure on't verie well 'tis worth the hearing; therefore I do conjure you, as you love that you pretend, I hope it's reall the libertie of the subject, the peace of the Kingdome, that you wil grant me the hearing before any sentence be passed, I onlie desire this, that you wil take this into your consideration, it may be you have not heard of it before hand, if you wil I'le retire, & you may think of it, but if I cannot get this libertie, I do here protest that so fair shews of *libertie* and Peace are pure shews, and not otherwise then that You will

not hear your KING:

Lord Preſident. Sir, you have now ſpoker?

King. Yes Sir.

Lord Preſ. And this that you have ſaid is a further declining of the *juriſdiction of this Court*, which was the thing wherein you were limited before.

King. Pray excuſe me Sir, for my interruption, becauſe you miſtake me, it is not a declining of it, you do judg me before you hear me ſpeak, I ſay it wil not, *I* do not decline it, though I cannot acknowledg the juriſdiction of the *Court:* yet Sir, in this give me leave to ſay, *I* would do it, though I did not acknowledg it in this, I do proteſt it is not the declining of it, ſince I ſay, if that I do ſay any thing but that, that is for the Peace of the Kingdom, and the Libertie of the ſubject, then the ſhame is mine. Now I deſire, that you will take this into your

conſideration, if you wil Ile withdraw.

Lord Preſident. Sir, this it not altogether new that you have moved unto us, not altogether new to us, though the firſt time in perſon you have offered it to the Court, Sir, you ſay you do not decline the juriſdiction of the Court.

King. Not in this that I have ſaid,

Lord Preſident. I underſtand you wel Sir, but nevertheleſs that which you have offered, ſeems to be contrary to that ſaying of yours; for the Court are ready to give a ſentence: it is not as you ſay, that they will not hear your King, for they have been ready to hear you, they have patiently waited your pleaſure for three Courts together to hear what you would ſay to the peoples Charge againſt you, to which you have not vouchſafed to give any anſwer at all: ſir, this tends to a further delay: truly ſir, ſuch delays as theſe, neither may the King-

Kingdom, nor Justice wel bear; you have had three several daies to have offered in this kind what you would have pleased; This Court is founded upon that Authoritie of the Commons of England, in whom rests the supreme jurisdiction, that which you now tender is to have another jurisdiction, and a *coordinate Jurisdiction*: I know verie wel you express your self, Sir, that notwithstanding that you would offer to the Lords and Commons in the Painted Chamber, yet nevertheless you would proceed on here, I did hear you say so, but sir, that you would offer there, whatever it is must needs be in delay, of the Iustice here; so as if this Court be resolved, and prepared for the sentence, this that you offer they are not bound in justice to grant: but sir, according to that you seem to desire, and because you shall know the further pleasure of the Court upon that which you

you have moved, the Court will with-
draw for a time.

King. Shall I with draw?

Lord pref. Sir, you ſhall know the
pleaſure of the *Court* preſently. The
Court withdraws for half an hour into
the *Court of Wards.*

Serjeant at Arms, the *Court* gives
command that the priſoner be with-
drawn, and they give order for his
return again.

The Court withdraws for half an
hour and returns:

Lord pref. Serjeant at Arms ſend for
your priſoner.

Sir, you were pleaſed to make a mo-
tion here to the Court, to offer a de-
ſire of yours touching the propoun-
ding of ſomwhat to the Lords in the
painted Chamber for the peace of
the Kingdom, ſir, you did in effect
receiue an anſwer before the Court
adjourned: Truly Sir, their with-
drawing and adjournment was *pro for-*

tantum, for it did not seem to them that there was any difficultie in the thing, they have considered of what you have moved, and have considered of their own Authoritie, which is founded, as hath been often said, upon the supream authoritie of the Commons of England assembled in Parliament. The Court acts according-ly to their commission, sir, the return I have to you from the Court, is this, that they have been too much delay-ed by you already, and this that you now offer hath occasioned some little further delay, and they are Judges ap-pointed by the highest Judges, and Judges are no more to delay, then they are to denie justice, they are good words in the old *Charter of England*: *Nulli negabimus, nulli vendemus, nulli deferemus Iustitiam*, There must be no delay, but the truth is sir, and so every man here observes it, that you have much delayed them in your contempt and

and default, for which they migh long since have proceeded to judge ment against you, and notwithstandin what you have offered, they are re solved to proceed to punishment, an to judgment, and that is their unani mous resolution.

King. Sir, I know it is in vain fo me to dispute, I am no *Sceptick* for t denie the power that you have, know that you have power enough Sir, I confess, I think it would hav been for the kingdoms Peace, if yo would have taken the pains for t have shown the lawfulness of you power, for this delay that I have des red, I confess it is a delay, but it is delay verie important for the peace the Kingdom, for it is not my perso that I look on alone, it is the kingdom welfare, and the kingdoms peace, it an old sentence, *That we should thin on long before we have resolved of gre matters suddenly*: therefore Sir, I d

st

y again, that I do put at your doors
l the inconveniency of an hasty
ntence, I confesse I haue been here
ow I think this week, this day eight
ys was the day I came here first,
t a little delay of a day or two
rther may giue peace, whereas an
asty judgment may bring on that
ouble and *perpetual inconveniency*
the Kingdome, that the child that
unborn may repent it; and therefore
ain, out of the duty *I* owe to God
d to my Countrey, I do desire that
may be heard by the Lords and
ommons in the painted Chamber,
any other that you will appoint me.
Lord pre. Sir, you haue been alrea-
anſwered to what you even
w moved being the same you mo-
d before, since the resolution and
judgment of the Court in it,
l the Court now requires to
ow whether you haue any more
ſay for your ſelf, then you haue
ſaid.

said, before they proceed to Sentence:

King. I say this, sir, That if you wil hear me, if you wil giue me but this delay, I doubt not but I shall giue some satisfaction to you all here, and to my people after that, and therefore I do require you, as you wil answer it at the dreadfull day of Judgment, that you wil consider it once again.

Lord pres. Sir I haue receiued direction from the Court.

King. Wel sir.

L p. If this must be reenforced or any thing of this nature, your answer must be the same, and they will proceed to sentence, if you haue no more to say.

King. I haue nothing more to say, but I shall desire that this may be entred what I haue said.

L. p. The Court then sir hath somthing to say unto you, which although I know it will be verie unacceptable, yet notwithstanding, they are willing & are resolued to discharge their duty

Sir,

Sir, you ſpeak very wel of a precious thing that you call peace, and it had been much to be wiſhed that God had put it into your heart, that you had as effectualy and really endeavoured and ſtudied the peace of the kingdom, as now in words you ſeem to pretend, but as yon were told the other day, Actions muſt expound intentions, yet actions have been clean contrary, and truly, Sir, it doth appear plainly enough to them, that you have gone upon very erronious principles, the kingdom hath felt it to their ſmart, and it wil be no eaſe to you to think of it, for Sir, you have held your ſelf, and let fall ſuch language, as if you had been no ways ſubject to the Law, or that the Law had not been your ſuperior. Sir the Court is very wel ſenſible of it, and I hope ſo are all the underſtanding people of England, that the Law is your ſuperior, that you ought to have ruled according

cording to the Law, you ought to have done ſo Sir, I know very well your pretence hath been that you have done ſo, but Sir, the difference hath been who ſhall be the *Expoſitors of this Law*: Sir, whether you and your party out of Courts of Juſtice ſhall take upon them to expound Law, or the Courts of Juſtice, who are the expounders; nay, the Soveraign and the High Court of Juſtice, the parliament of England, who are not only *the higheſt expounders*, but *the ſole makers of the Law*. Sir, for you to ſet your ſelf with your ſingle judgment, and thoſe that adhere unto you againſt the Higheſt Court of Juſtice, that is not Law Sir, as the Law is your ſuperior, ſo truly ſir, there is ſomthing that is ſuperior to the Law, and that is indeed the *Parent or Author* of the law, and that is the people of England, for Sir, as they are thoſe that at the firſt, as other Countries have done did

did chose to themselves this form of Government, even for justice sake, that justice might be administred, that peace might be preserved; so sir, they gave Laws to their Governors, accor. ding to which they should govern; & if those Laws should have proued inconuenient, or prejudiciall to the publique, they had a power in them, and reserved to themselves to alter as they shall see cause; sir, it is very true, what some of your side have said, *Rex non habet parem in Regno*; This Court will say the same, while *King, that you have not your Peer* in some sense, for you are *Major singulis*, but they will aver again, that you are *Minor universis*, and the same Author tels you that *in exhibitione juris*, there you have no power, but in

quasi mivimus.

This We know to be Law, Rex habet superiorem, Deum & Legem, etiam & curiam, *and so saies the same Author*

Author, and truly Sir, he makes bold to go a little further, Debentei ponere frenum, *They ought to bridle him, and Sir, We know very wel the ſtories of old; Thoſe, Wars that Weye called Barons Wars, when the Nobility of the Land did ſtand out for the Liberty and property of the ſubiect, and would not ſuffer the Kings that did invade to play the Tyrants freer, but called them to account for it, We know that truth, that they did* Frenum ponere, *but Sir, if they do forbear to do their duty now and are not ſo mindful of their own Honor and the Kingdoms good, as the Barons of England will not be unmindfull of what is for their preſervation, and for their ſafety,* Juſtitia fruendi, cauſa Reges conſtituti ſunt: *This We learn the end of having Kings or any other Governors it's for the enjoying of Juſtice, that's the end. Now Sir, if ſo be the King will goe contrary to the end of his* GOVERNMENT *Sir, hee*

muſt

must understand that he is but an Officer of trust, and he ought to discharge that trust, and they are to take order for the animadversion and punishment of such an offending Governor.

This is not Law of yesterday sir, since the time of the division betwixt you and your people, but it is Law of old; and We know very well the Authors and the Authorities that do tel us what the Law was in that point upon the election of Kings, upon the Oath that they took unto their people, and if they did not observe it, there were those things called Parliaments; the Parliaments were they that were to adjudg, the very words of the Author, the plaints and wrongs done of the King and the Queen, or their Children, such wrong especiallie when the people could have no where else any remedie. *Sir, that hath been the people of Englands case, they could not have their remedy else where but in Parliament.*

Sir

Sir, Parliaments were ordained for that purpose to redress the grievances of the people, that was their main end; and truly sir, if so be that the Kings of England had been rightly mindfull of themselves, they were never more in Majesty and state then in the parliament: but how forgetful some have been, stories have told us; we have a miserable, a lamentable, a sad experience of it, sir, by the old Laws of England. I speak these things the rather to you because you were pleased to let fall the other day you thought you had asmuch knowledg in the Law, as most Gentlemen in England, it is very wel sir. And truly Sir, it is very good for the Gentlemen of England to understand that Law under which they must live, and by which they must be governed, and then Sir, the Scriptures says, They that know their Master wil and do it not, *what follows, the Law is your Master, the acts of parliament.*

The parliaments were to be kept anciently we find in our Author twice in the year, that the subject upon any occasion might have a ready remedy and redress for his grievance. Afterwards by several acts of parliament in the days of your predecessor Edw. *the 3 they must have been once a year.* Sir, what intermission of Parliaments hath been in your time it is very wel known, and the sad consequences of it, and what in the interim instead of these Parliaments, hath been by you by an high and arbitrary hand introduced upon the people, that likewise hath been too wel known & felt, but when God by his providence had so brought it about, that you could no longer decline the calling of a parliament, sir, yet it wil appear what your ends were aginst the ancient and your native kingdome of Scotland: the parliament of England not serving your ends against them, you were pleased to dissolve it. Another great necessity occasioned

casioned the calling of this parliament, and what your designs & plots & endeavours all along have been for the ruining & confounding of this parliament, hath been very notorious to the whole kingdom; & truly sir, in that you did strike at all, that had been a sure way to have brought about that that this lays upon you, your intentions to subvert the fundamental laws of the land. For the great bulwark of libertie of the people, is the parliament of England and to subvert and root up that which our aim hath bin to do, certainly at one blow you had confounded the liberties and the property of England: Truly sir, it makes me call to mind, I cannot forbeare to expresse it, for sir. we must deal plainly with you, according to the merits of your cause, so is our Commission, it makes me call to mind (these proceedings of yours) that we read of a great *Roman Emperor*, by the way let us call him *a great Roman tyrant*, Ca-

Caligula, that wisht that the people of *Rome* had had but one neck, that at one blow he might cut it off. *and your proceedings hath been somwhat like to this, for the body of the people of England hath been, and where else represented but in the parliament, and could you have but confounded that, you had at one blow cut off the neck of England, but God hath reserved better things for us, and hath pleased for to confound your designs, and to break your Forces, and to bring your person into Custody that you might be responsible to Justice.*

Sir, We know very wel. that it is a question on your side very much prest, by what president we shall proceed? Truly sir, for presidents, I shall not upon these occasions institute any long discourse, but it is no new thing to cite presidents almost of all Nations, where the people when power hath been in their hands, have been made bold to call their Kings to account, and where the change of Go-

vernmen

vernment hath upon occasion of the Ty-
ranny and mis-Government of those that
have been placed over them, I wil not
spend time to mention France or Spain,
or the Empire, or other countries, volumes
may be written of them, but truly sir, that
of the Kingdom of Arragon, I shall think
some of us have thought upon it, when
they have the justice of Arragon, that
is a man tanquam in medio positus, be-
twixt the King of Spain & the people of the
Countrey, that if wrong be done by the
King he that is the King of Arragon,
the Justice hath power to reform the
wrong and he is acknowledged to be the
Kings superior, and is the grand preser-
ver of their priviledges, and hath prose-
cuted Kings upon their miscarriages.

Sir what the Tribunes of Rome were
heretofore, and what the Ephori were
to the Lacedemonian State, we know
what is the parliament of England to the
English State, and though Rome seem to
have lost its Liberty, when once the
Emperours

Emperors were, yet you shall finde some famous Acts of Justice even done by the Senate of Rome, *that great Tyrant of his time,* Nero, *condemned and iudged by the* Senate:

But truly Sir, to you I should not mention these Forraign examples and stories. If you look but over *Tweed*, we finde enough in your native kingdom of Scotland. If we look to your first King *Fergustus*, that your stories make mention of, he was an elective King, he dyed, and left two Sons both in their minority, the Kingdome made choice of their Unkle his Brother to govern in the minority, afterwards the elder Brother giving small hopes to the people that he would rule or govern wel, seeking to supplant that good Unkle of his that Gouerned then justly, they set the elder aside, and took to the younger, sir, if I should come to what your stories make mention of, you know very well you are the 109, King

of

of *Scotland*, for to mention ſo many Kings as that Kingdome according to their power and priviledges have made bold to deal withall, ſome to baniſh, and ſome to impriſon, and ſome put to death, it would be too long; and as one of your Authors ſays, it would be too long to recite the manifold examples that your own ſtories make mention of, *Reges* ſay they, we do create, we created Kings at firſt, *Leges*, *&c.* We impoſed Laws upon them, and as they are choſen by the ſuffrages of the people at the firſt, ſo upon juſt occaſion, by the ſame ſuffrages, they may be taken down again: and we will be bold to ſay, that no Kingdome hath yeilded more plentifull experience then that your Native Kingdome of *Scotland* hath done concerning that depoſition, and the puniſhment of their offending and tranſgreſſing Kings, *&c.*

It is not far to go for an example neer you, your Grandmother set aside and your Father an Infant crowned, and the State did it here in England, here hath not been a want of some examples, they have made bold, the Parliament and people of England, to call their Kings to account, here are frequent examples of it in the Saxons time, the time before the conqueſt, ſince the Conqueſt there wants not ſome Preſidents neither, King Ed. the 2. K. *Richard* 2. they were deale with ſo by the parliament, as they were depoſed and deprived: and truly ſir, who ever ſhall look into their ſtories, they ſhall not finde the Articles that are charged upon them to come neer to that height and capitalneſs of Crimes that are laid to your charge, nothing neer.

Sir, you were pleaſed to ſay the other day, wherein they diſcent, and I did not contradict it, but take altogether

together, Sir, if you were as the charge ſpeaks, and no otherwiſe admitted King of England, but for that you were pleaſed then to alledg, how that almoſt for a thouſand yeeres theſe things have been, ſtories wil tell you, if you goe no higher then the time of the Conqueſt, if you do come down ſince the Conqueſt, you are the 24th. King, from *William* called the Conqueror, you ſhal find one half of them to come meerly from the *State*, and not meerly upon the point of deſcent, it were eaſie tobe inſtanced to you, the time muſt not be loſt that way. And truly Sir, what a grave and learned Judge in his time, and wel known to you, and is ſince printed for poſterity, *That although there was ſuch a thing as a Deſcent many times, yet the King of England ever held the greateſt aſſurance of their Titles when it was declared by Parliament:* And Sir, your Oath, the manner of your Coronation doth

ſhew plainly, that thh Kings of *England*, although its true by the Law, the next perſon in blood is deſigned: yet if there were juſt cauſe to refuſe him, the people of England might do it. For there is a Contract and Bargain made between the King and his people, and your Oath is taken, and certainly Sir, the Bond is reciprocall, for as you are the liege Lord, ſo they liege Subjects, and wee know very well that hath been ſo much ſpoken of, *Ligantis eſt duplex*: This wee know now, the one tye, the one Bond, is the Bond of perfection which is dew from the Soveraigne, the other is the Bond of ſubjection, that is due from the Subject. Sir, if this Bond be once broken, farewell Soveraignty, *Subjectio trahit* &c.

Theſe things may not bee denyed Sir, I ſpeake it the rather

rather, and I pray God it may work upon your heart, that you may be sensible of your miscarriages; For whether you have been, as by your Office you ought to be a Protector of England, or the destroyer of *England*, let all *England* judg, or all the world that hath looked upon it. Sir, though you have it by Inheritance, in the way that is spoken of, yet it must not be denyed that your Office was an Office of Trust, and an Office of the highest Trust lodged in any single person; For as you were the grand *Administrator of Justice*, and others were as your *delegates* to see it done throughout your Realms, if your great Office were to do Justice, and preserve your people from wrong, and instead of doing that, you will be the great wrongdoer your self; if instead of being a *Conservator of the peace*, you wil be *the Grand disturber of the peace*, surely

ly this is contrary to your office, contrary to your Truſt. Now ſir, if it be an office of inheritancne, as you ſpeak of your Title by Deſcent, let all men know, that great offices are ſeizable and forfeitable, as if you had it but for a year, and for your life, therefore ſir, it will concern you to take into your ſerious conſideration your great miſcarriages in this kind.

Truly Sir, I ſhall not particularize the many miſcarriages of your Reign whatſoever, they are famouſly known it had been happy for the Kingdome, and happy for you too, if it had not been ſo much known, and ſo much felt, as the ſtorie of your miſcarriages muſt needs be, and hath been already.

Sir, that that we are now upon by the command of the higheſt Court hath been and is, to try and judge you for great offences of yours. Sir, the charge hath called you *Tyrant, a Traytor a Murtherer, and a publique enemy to the Commonwealth*

Commonwealth of England. Sir, it had been well, if that any of all these terms might rightly and justly have been spared, if any one of them at all.

King. Ha!

Lord pres. Truly sir, we have been told *Rex est dum bene Regit, Tyrannus qui populum apprimei*, and if so be that be the difinition of a Tyrant, then see how you come short of it in your Actions, whether the higheſt Tyrant by that way of *Arbitrary Government.* and that you have sought for to introduce, and that you have sought to put, you were putting upon the people, whether that was not as high an Act of Tirannie as anie of your predecessors were guiltie of, nay, many degrees beyond it.

Sir, the term Traytor cannot be spared, we shall easily agree it must denote and suppose a breach of Trust, and it must suppose it to be done by a superior, and therefore sir, as the peo-

people of England, might have incurred that respecting you, if they had been truly guilty of it, as to the definition of Law: so on the other side, when you did break your trust to the Kingdom, you did break your trust to your superior, for the Kingdome is that for which you were trusted: and therefore sir, for this breach of trust when you are called to account, you are called to account by your superiors, *Minimus ad Majorem in judicium vocat*. And Sir, the people of *England* cannot be so far wanting to themselves, which God having deal't so miraculously and gloriously for, they having power in their hands and their great enemy they must proceed to do Justice to themselves and to you, for sir, the Court could heartily desire, that you would lay your hand upon your heart and consider what you have done amiss, that you would endeavor to make your peace with

with God. Truly sir, These are your high crimes, Tyranny and Treason

There is a third thing too if those had not been, and that is Murther, which is laid to your charge. All the bloody Murthers, that have been committed since this time that the division was betwixt you and your people must be layd to your charge, that have been acted or commited in these late wars: sir it is an heinous and crying sin; and truly Sir, if any man will ask us what punishment is due to a Murtherer, let Gods Law, let mans Law speak. Sir, I will presume that you are so well read in scripture as to know what God himself hath said concerning the shedding of mans blood, *Gen. 9. Numb.* 35 will tel you what the punishment is, and which this Court in behalf of the Kingdome are sensible of, of the innocent blood that has been

hed, whereby indeed the Land ſtands ſtill defiled with that blood, and as the Text hath it, *It can no way bee cleanſed, but with the ſhedding of the blood of him that ſhed the blood:* Sir, we know no Diſpenſation from this blood in that Commandment, *Thou ſhalt do no murther*; we do not know but that it extends to Kings as well as to the meaneſt Peaſants, the meaneſt of the people, the command is univerſall. Sir, Gods Law forbids it, Mans Law forbids it, nor do we know that there is any manner of exception, not even in mans laws, for the puniſhment of murther in you. 'Tis true, that in the caſe of Kings every privat hand was not to put forth it ſelfe to this work for their reformation and puniſhment. But Sir, the people repreſented having power in their hands, had there been but one wilful act of murther by you committed, had power to have condemned you, and to puniſh you for it.

But

that you would hear me concerning those great imputations that you have laid unto my charge.

Lord president. Sir, you must give me now leave to go on, for I am not far from your sentence, and your time is now past.

King. But I shall desire you wil hear me a few words to you, for truly what ever Sentence you wil put upon me, in respect of those heavy imputations that I see by your speech you have put upon me, Sir, it is very true that———

Lord Pres. Sir, I must put you in mind, sir, I would not willingly at this time especiallie, inrerrupt you in any thing you have to say that is proper for us to admit of; but sir, you have not owned us as a court, and you look upon us as a sort of people met together, and we know what language we receive from your partie.

King. I know nothing of that.

Lord

Lord pref. You dis-avow us as a Court, and therefore for you to addreſs your ſelf to us, not to acknowledg us as a *Court* to judg of what you ſay, it is not to be permitted; and the truth is, all along from the firſt time you were pleaſed to diſavow and diſowne us, the *Court* needed not to have heard you one word; for unleſs they be acknowledged a *Court*, and engaged, it is not proper for you to ſpeak, ſir we have given you too much liberty alreadie, and admitted of too much delay, and we may not admit of any further; were it proper for us to do we ſhould hear you freeely, and we ſhould not have declined to have heard you at large, what you could have ſaid or proved on your behalf, whether totally excuſing, or for in part excuſing thoſe great and Hainous Charges that in whole or in part are laid upon you. But ſir, I ſhal trouble

you

you no longer, your sins are so large a dimension, that if you do but seriously think of them, they will drive you to a sad consideration, and they may improve in you a sad and serious repentance. And that the Court doth heartily wish that you may be so penitent for what you have done amiss, that God may have mercy at least wise upon your better part. Truly Sir, for the other, it is our parts and duties to do that, that the Law prescribes, we are not here *Ius dare*, but *Ius dicere*; We cannot be unmindful of what the Scriptures tels us, *For to acquit the guilty, is of equall abhomination as to condemn the innocent*, we may not acquit the guilty; what sentence the Law affirms to a traytor, tyrant, a Murtherer, and a publique Enemy to the Countrey, that sentence you are now to hear read unto you and that is the sentence of the Court.

The

The *Lord Presidents* commands the sentence to be read, make an O Yes, and command Silence while the sentence is read:

O Yes made, silence commanded.

The Clerk read the sentence, which was drawn up in parchment.

Whereas the Commons of England *in Parliament have appointed them an high Court of Justice for the trying of* Charls Stuart *King of England, before whom hee had been three times convented, and at the first time a Charge of High Treason, and other Crimes and Misdemeanors was read in the behalf of the Kingdom of England, &c.*

Here the Clerk read the Charge.

Which Charg being read unto him as aforesaid, he the said *Charge Stuart*, was required to give his answer, but he refused so to do, and so expres't the several passages at his tryall in refusing to answer.

For all which Treasons and Crimes this

this Court doth adjudg, that the said Charls Stuart, as a Tyrant, traytor, Murtherer, and publique Enemie, shall be put to death, by the severing his Head from his Bodie.

After the sentence read, the Lord president said.

This sentence now read and published, and it is this Act, Sentence, judgment, and resolution of the whole Court.

Here the Court stood up, (and assenting to what the president said.

King. Wil you hear me a word sir.

Lord pres. Sir, you are not to be heard after the sentence.

King No sir?

Lord pres. No sir, by your favor sir. Guard withdraw your prsoner.

King. I may speak after the sen-nce——

By your favor sir, I may speak after the sentence ever.

By your favor hold the sentence sir.—

I say sir, I do....

I am not suffered for to speak, expect what Justice other people wil have.

O Yes, All manner of persons that have any thing else to do, are to depart at this time, and to give their attendance in the painted Chamber, to which place this Court doth forthwith adjourn it self.

Then the Court rose, and the King went with his Guard to Sir *Robert Cottons*, and from thence to White-Hall.

A List of the Names of the Judges and Officers of the High Court of Justice, which sate at the tryal of the King in the great Hall, at Westminster, Jan. 20 1648.

Serjeant *Bradshaw* Lord President.

Oliver Cromwell, Lievt. General.

Henry Ireton, Com. General.

Collonel *Hardress Waller*.

Colonel *Harrison*.

Col.

Colonel *Whaley.*
Colonel *Pride.*
Colonel *Ewer.*
Lord *Gray* of Groby.
Sir *John D'Anvers,*
Sir *Thomas Maleverer.*
Sir *John Bowcher.*
William Henningham.
Alderman Pennington.
Henry Martin.
Colonel *Purefoy.*
Colonel *Barkſtead.*
Colonel *Tomlinſon.*
Maſter Blackſton.
Maſter *Millington.*
Sir *Gregory Norton.*
Colonel *Harvey.*
Colonel *Ven.*
Maſter *Scot.*
Alderman Andrews.
Maſter *Crawley.*
Maſter *Burrel*
Colonel *Stapley.*
Collonel *Downs.*

Lievt. General *Hamond*
Mr. *Love.*
Maſter *Norton.*
Maſter. *Potter:*
Maſter *Garland.*
Sir *William Conſtable.*
Collonel *Ludlow:*
Collonel *Hutchinſon.*
Sir *Michell Liveſey.*
Maſter *Dixwell.*
Collonel *Fleetwood.*
Maſter *Mayne,*
Maſter *James Temple:*
Maſter *Blagrave.*
Collonel *Titchbeurne.*
Collonel *Ronet.*
Collonel *Scroop.*
Collonel *Lilbourne:*
Collonel *Deane.*
Collonel *Okey.*
Collonel *Huſon.*
Lievt. Collonel *Goffe.*
Maſter *Corn Heland.*
Maſter *Curew.*

Master *John Jones.*
Master *Miles Corbet,*
Master *Francis Allen.*
Master *Perigrin Pelham,*
Collonel *Moore.*
Master *Eldner.*
Master *Edwards.*
Master *Clement.*
Collonel *Woggon.*

Officers of the *COURT.*

D. *Doriſlow*, Mr. Juſtice *Ask*, Counſellors for the Commonwealth.
Mr. *Cook* Solicitor General.
Mr *Broughten*, Mr. *Phelps*, Clarks to the Court.
Serjeant *Danby*, Mace Bearer.
Col. *Humphry* Sword Bearer.
Mr. *King* Cryer of the Court.

Other

Other matters relating to the proceedings in the tryal of Charls Stuart late King of England.

Resolutions of the Court in the painted Chamber:

Lunæ Ian. 22. 1648.

THis day the King being withdrawn from the Bar of the High Court of Justice, The Commissioners of the said Court of high Justice sate private in the Painted Chamber; and considered of the Kings carriage upon the saturday before, and of all that had then passed, and fully approved of what the Lord President had done and said in the mannaging of the business of that day as agreeing to their sense: and perceiving what the King aymed at, *viz* so bring in question if he could the jurisdiction of the Court, and the authority thereof, whereby they sate, and considering that in the interim he had not acknowledged

acknowledged them in any sort to be a Court, or his Judges, and through their sides intended to wound (if he might be permitted) the supreme Authority of the *Commons of England* in their Representative the *Commons* assembled in Parliament, After advice with their Council learned in both Laws, and mature deliberation had of the matter:

Resolved that the King should not be suffred to argue the Courts jurisdiction, or that which constituted them a Court of which debate they had not proper Cognizance, nor could they, being a derivative Iudge of that supreme Court which made them Iudges, from which there was no appeal: And did therefore order and direct, *viz.*

Ordred that in case the King shal again offer to dispute the authority of the court, the L. President do let him know, that the Court have taken into

ſideration his demands of the laſt day; and that he ought to reſt ſatisfied with this anſwer: that the Commons of England aſſembled in parliament, have conſtituted this Court, whoſe power may not, nor ſhould be permitted to be diſputed by him.

That in caſe the *King* ſhall refuſe to anſwer or acknowledg the Court, the Lord preſident do let him know that the Court wil take it as a contumacy, and that it ſhal be ſo recorded.

That in caſe he ſhal offer to anſwer with a ſaving notwithſtanding of his pretended prerogative above the juriſdiction of the *Court*.

That the Lord Preſident do in the name of the *Court* refuſe his proteſt, and require his poſitive anſwer, whether he wil own the *Court* or not.

That in caſe the King ſhall demand a copy of the charge, that he ſhal then declare his intention to anſwer and that declaring his intention a copy be granted to him. That

That in case the King shal stil persist in his contempt, the Lord President do give command to the Clerk to demand of the King in the name of the Court in these words following, *viz.*

Charls Stuart *King of England, you are accused in the behalf of the people of England of divers high crimes and treasons, which charge hath been read unto you.*

The Court requires you to give a positive answer to confess or denie the charge, having determined that you ought to answer the same.

Sir *Hardresse Waller*, Col. *Harrison*, Col. *Dean*, Com. Gen. *Ireton*, Col. *Okey*, are appointed to consider of the time and place for the execution of the King according to his sentence given by the High Court of Justice.

Painted Chamber, Lunæ Jan. 29. 1648.

UPon Report made from the Committee for considering of the time and place for the executing of the judgment against the King, That the said Committee have resolved, That the open street before *Whitehall* is a fit place, And that the said Committee conceive it fit that the King be there executed the morrow. The King having notice thereof. The Court approved thereof, and Ordered a warrant to be drawn for that purpose, and agreed unto, and ordered it to be engrossed.

Painted Chamber. 30. *Ian.* 1648. *The Commissioners met, And*

ORdered, that M. *Marshall*, M. *Nye*, Mr. *Caryll*, Mr. *Salway*, and M. *Dell*, be desired to attend the King

to

to administer to him those spirituall helps as should be suitable to his present condition: And Lieut: Col. *Goffe* is desired forthwith to repaire unto them for that purpose.

Who did so, but after informed the Court, that the King being acquainted therewith refused to confer with them, expressing that he would not be troubled with them.

Ordered, That the Scaffold upon which the King is to be executed, bee covered with black.

The Warrant for executing the King being accordingly delivered to those parties to whom the same was directed, execution was done upon him according to the tenour of the warrant about two of the clock in the afternoon.

King Charls his ſpeech made upon the Scaffold at White-Hall-Gate immediately before his Execution. Tueſday, Ian. 30.

ABout ten in the morning the King was brought from St. *James's*, walking on foot, through the park, with a Regiment of foot, part before, and part behind him, with Colours flying, Drums beating, his private guard of partizans, with ſome of his Gentlemen before, and ſome behinde bare-headed. Dr. *Iuxon* next him, and Colonel *Thomlinſon*, who had the charge of him, talking with the *King* bare-headed from the park, up the ſtairs into the Gallery, and ſo into the *Cabinet Chamber*, where he uſed to lie, where he continued at his Devotion refuſing to dine, having be-

fore

fore taken the Sacrament, only about an hour before he came forth, he drank a glaſs of Claret wine, and eat a peece of bread about twelve at noon.

From thence he was accompanied by Dr. *Iuxon*, Col. *Thomlinſon*, and other Officers, formerly appointed to attend him, and the private Guard of *Partizans*, with Musketiers on each ſide, through the Banqueting houſe adjoyning, to which the Scaffold was erected, between Whitehall-gate, and the Gate leading into the gallery from *S. James's*: the Scaffold was hung rouud with black, and the floor covered with black, and the Ax and Block laid in the middle of the Scaffold. There were divers companies of Foot, and troops of Horſe placed on the one ſide of the ſcaffold towards *Kings ſtreet*, and on the other ſide towards *Charing Croſs*, and the multitudes of people that came to be ſpectators very great.

The *King* being come upon the Scaffold, looked very earneſtly upon the block, and asked Col. *Hacker* if there were no higher, and then ſpeak thus, directing his Speech chiefly to Col. *Thomlinſon*.

King.

I Shall be very little heard of any body here, I ſhall therefore ſpeak a word unto you here: indeed I could hold my peace very well if I did not think that holding my peace would make ſome men think, that I did ſubmit to the guilt, as wel as to the puniſhment, but I think it is my duty to God firſt, and to my Countrey, for to clear my ſelf both as an honeſt man, a good King, and a good Chriſtian. I ſhall begin firſt with my innocency, introth I think it not very needful for me to inſiſt long upon this, for all the world knows that I never did begin War with the two houſes of Parliament, and I call God to witneſs, to whom

whom I must shortly make an account, that I never did intend for to incroach upon their priviledges, they began upon me, it is the Militia they began upon, they confest that the Militia was mine, but they thought it fit for to have it from me, and to be short, if any body wil look to the dates of Commissions, of their Commissions and mine, and likewise to the Declarations, wil see clearly that they began these unhappy Troubles, not I. so that as the guilt of these enormous crimes that are laid against me, I hope in God that God wil clear me of, I wil not, I am in charity, God forbid that I should lay it upon the two houses of Parliament, there is no necessity of either, I hope they are free of this guilt: for I do believe that ill instruments between them and me, has beene the chiefe cause of all this Blood-shed, so that by way of speaking, as I finde my

ſelf clear of this, I hope, and pray God, that they may too: yet for all this, God forbid that I ſhould bee ſo ill a Chriſtian, as not to ſay, that Gods Judgments are juſt upon mee: Many times hee does pay juſtice by unjuſt ſentence, that is ordinary; I will onely ſay this, That an unjuſt Sentence that I ſuffered for to take effect, is puniſhed now by an unjuſt Sentence upon me, that is ſo as I have ſaid, to ſhew you that I am an innocent man.

* *Straford.*

Now for to ſhew you that I am a good Chriſtian I hope there is a good man that wil bear me witneſs, that I have forgiven all the world, and even thoſe in particular that have been the chiefe cauſers of my death; who they are, God knowes, I doe not deſire to know, I pray God forgive them. But this is not all, my Charity muſt go farther, I wish that

Pointing to Dr. Juxon.

Kingdom and your own ſalvations.

Dr. *Juxon.* Will your Majeſty, though it may be very well known your Majeſties affections to Religion, yet it may be expected that you ſhould ſay ſomwhat for the worlds ſatisfaction.

King. *I thank you very hartily, my Lord, for that I had almoſt forgotten it, introth ſirs, my Conſcience in Religion I think it is very wel known to all the World, and therefore I declare before you all, that I dye a Chriſtian, according to the profeſſion of the Church of England as I found it left me by my father, and this honeſt man* I think will witneſs it. Then turning to the Officers ſaid: ſirs excuſe me for this ſame,* Pointing to D. Juxon.

I have a good cauſe, and I have a gracious God, I will ſay no more. Then turning to Colonel Hacker, *he ſaid; Take care they do not put me to pain, and ſir this, and it pleaſe you; But then a Gen-*

tleman

Gentleman coming near the Ax, the King ſaid, take heed of the Ax, pray take heed of the Ax, then the King ſpeaking to the Executioner, ſaid, I ſhall ſay but very ſhort Prayers, and when I thruſt out my hands ——

Then the King called to Doctor Juxon *for his Night-Cap, and having put it on, he ſaid to the Executioner, Does my hair trouble you? who deſired him to put it all under his Cap, which the King did accordingly by the help of the Executioner and the Biſhop: Then the King turning to Doctor* Juxon, *ſaid, I have a good Cauſe, and a gracious God on my ſide.*

Doctor Juxon, *There is but one Stage more, This Stage is turbulent and troubleſome, it is a ſhort one: But you may conſider, it will ſoon carry you a very great way, it will carry you from Earth to Heaven; and there you ſhall find a great deal of cordial joy and comfort:*

King

King. I go from a corruptible to an incorruptible Crown, where no disturbance can be no disturbance in the World.

Doctor Juxon. You are exchanged from a Temporal to an eternall Crown a good exchange.

The King then said to the Executioner, is my hair well? Then the King tooke of his Cloak and his George, giving his George to Doctor Juxon, saying, Remember——

Then the King put of his doublet, and being in his Waistcoat, put his Cloak on again, then looked upon the block said to the executioner, you must set it fast.

It is thought for to give it to the Prince.

Executioner. It is fast Sir.

King. When I put my hands out this way, stretching them out, then——

After that having said two or three words, as hee stood, to himself, with hands and eyes lift up, immediately stooping down, laid his Neck upon the

the block; and then the executioner again, putting his hair under his Cap, the King said thinking he had been going to strike stay for the sign.

Executioner. Yes, I wll, and it please your Majesty,

And after a very little pause, the King stretching forth his hands, the Executioner at one blow severed his head from his body, the head being off, the Executioner held it up, and shewed it to the people, which done, it was with the body put in a Coffin, covered with black Velvet for that purpose, and conveyed into his Lodgings there: and from thence it was carried to his house at *S. Iames's*, where his body was put in a Coffin of Lead, laid there to be seen by the people, and about a fortnight after it was carried to *Windsor*, accompanied with the Duke of *Lenox*, the Marquess of *Hartford*, and the Earl of *Southampton* and Doctor *Iuxon*, late Bishop of London

London, and others, and interred in the Chappel Royal, in the Vault with *King Henry* the eight, having onely this Inscription upon the Coffin, *Charls, King of England.*

Sic transit Gloria Mundi.

PRAYERS

PRAYERS

Used by His

MAIESTY,

In the time of His

SUFFERINGS:

Delivered to Doctor *Juxon*, Bishop of *London*, immediately before his *Death*.

ALSO, A

Letter from the Prince.

A Prayer in time of Captivity.

O Powerful and Eternal God to whom nothing is so great, that it

it may resist, or so small, that it is contemned, look upon my miserie with thine eye of mercie, and let thine infinite power vouchsafe to limit out som proportion of deliverance unto me, as to thee shal seem most convenient, let not injurie, O Lord, triumph over me, and let my faults by thy hand be corrected, and make not my unjust enemies, the Ministers of thy Justice, but yet my God, if in thy wisdome this be the aptest chastisement for my unexcusable transgressions, if this ingratefull bondage be fittest for my over-high desires: if the pride of my not enough humble heart be thus to be broken; O Lord I yeild unto thy wil, and cheartfully embrace what sorrow thou wilt have me suffer: onely thus much let me crave of thee, Let my craving O Lord, be accepted of, since it even proceeds from thee, that by thy goodness which is thy self, thou wilt suffer som beam of thy Majestie so to shine in my minde,

inde, that I, who acknowledg it my nobleſt title to be thy Creature, may ſtil in my greateſt afflictions depend conſtantly upon thee. Let Calamitie be the exerciſe, but not the overthrow of my vertue. O let not their prevailing power be to my deſtruction. And if it be thy wil that they more & more vex me with puniſhment; yet O Lord never let their wickedneſs have ſuch a hand, but that I may ſtil carrie a pure minde, and ſteadfaſt reſolution euer to ſerve thee, without fear or preſumption; yet with that humble confidence which may beſt pleaſe thee; ſo that at the laſt I may come to thy Eternall Kingdom through the merits of thy Son our Sauior Jeſus Chriſt. *Amen.*

Another Prayer.

ALmighty and moſt merciful Father, look down upon me thy un-

unworthy servant who here prostrate my self at the Foot Stool of thy Throne of Grace. *But look upon Mee, O Father, through the Mediation and in the Merits of Iesus Christ, in whom thou art only wel pleased; for of my self I am not Worthie to stand before thee, or to speak with My unclean lips to Thee, most holie and eternal God, for as in sin I Was conceived and born, so likewise I have broken all thy Commandments by my sinful motions, unclean thoughts, evil Words, and wicked works, omitting many duties I ought to do, and committing many vices which thou hast forbidden under pain of thy heavie displeasure, as for my sins O Lord, they are innumerable, wherefore I stand here liable to all the Miseries in this life, and everlasting Torments in that to come, if thou shouldest deal with me according to my deserts. I confess, O Lord, that it is thy mercy which endureth for ever, and thy compassion which never failes, which is the*

cause

cause that *I* have not been long ago consumed, but with thee there is mercie and plentious Redempton; in the multitude therefore of thy Mercies and by the Merits of Jesus Christ, I intreat thy Divine Majestie, that thou wouldest not enter into judgment with thy *Servant*, nor be extreme, to mark what is done amiss, but be thou merciful unto me, and wash away all my sins with that precious blood that my Saviour shed for me, and I beseech thee, O Lord not only to wash away all my sins, but also to purge my heart by thy holy *Spirit*, from the drosse of my natural corruption; and as Thou doest add days to my life, so, good Lord I beseech thee, to add repentance to my days, that when I have past this mortal life, I may be partaker of thy everlasting Kingdome, through the Merits of Jesus Christ our Lord. *Amen*,

A Prayer and Confeſſion, made in, and for the times of affliction,

ALmightie and moſt merciful father, as it is only thy goodneſs that admits of our imperfect prayers, and the knowledg that thy mercies are infinite, which can gives us any hope of thy accepting or granting them: ſo it is our bounden and neceſſarie dutie to confeſs our ſins freely unto thee, and of all men living, I have moſt need, moſt reaſon, ſo to do, no man having been ſo much obliged by thee, no man more grievouſly offending thee, that degree of knowledg which thou haſt given me, adding likewiſe to the guilt of my tranſgreſſions. For was it through ignorance, that I ſuffered innocent blood to be ſhed by a falſe pretended way of Juſtice? or that I permitted a wrong way of thy Worſhip to be ſet up in *Scotland*? and injured the Biſhops in England

gland? O no; but with ſhame and griefe I confeſs, that I therein followed the perſwaſions of worldly wiſdom, forſaking the dictates of a right informed Conſcience: Wherefore, O Lord, I have no excuſe to make, no hope left, but in the multitude of thy Mercies; for I know my repentance weak, and my prayers faultie: Grant therefore, merciful Father, ſo to ſtrengthen my repentance, and amend my prayers, that thou mayeſt clear the way for thine own Mercies; to which, O let thy Juſtice at laſt give place, puting a ſpeedie end to my deſerved afflictions. In the mean time give me patience to endure, Conſtancie againſt Temptations, and a diſcerning Spirit to chuſe, what is beſt for thy Church and people which thou haſt committed to my Charge. Grant this, O moſt mercifull Father, for thy Son Ieſus Chriſt's ſake, our Saviour. *Amen*,

A Prayer in time of imminent danger.

O Moſt mercifull Father, though my ſins are ſo many and grievous, that I may rather expect the effects of thy anger, then ſo great a deliverance, as to free Mee from My preſent great danger; yet O Lord, ſince thy Mercies are over all thy works, and thou never faileſt to relieve all thoſe who with humble and unfeined repentance come to thee for ſuccour, it were to multiply, not diminiſh my tranſgreſſions, to deſpair of thy heavenly favor: Wherefore I humbly deſire thy divine Majeſty, that thou wilt not onely pardon all my ſins, but alſo free Mee out of the hands, and protect mee from the malice of my cruel enemies. But if thy wrath againſt my hainous offences will not otherways be ſatisfied, then by ſuffering me

me to fall under my present afflictions, thy will be done; yet with humble importunity I do, and shal never leave to implore the assistance of thy heavenly Spirit, that my cause, as I am thy Vicegerent, may not suffer through my weakness or want of courage. O Lord, so strengthen and enlighten all the faculties of my minde, that with clearness I may shew forth thy truth, and manfully endure this bloody tryall, that so my sufferings here may not onely glorifie thee, but likewise be a furtherance to my salvation hereafter. Grant this, O merciful Father, for his sake, who suffered for me, even Iesus Christ the righteous. *Amen.*

His Majesties

REASONS

AGAINST

The Iurisdiction of the High Court of Justice, which he intended to deliver in writing, on Munday, *Jan* 22. 1648.

HAving already made my protestations not onely against the illegality of this pretended Court, but also that no earthly power can justly call me, who am your King, in question as a Delinquent; I would not any more open my mouth upon this occasion more then to referre my selfe to what I have spoken, were I alone in this case concerned: but

But the dutie I owe to God in the preſervation of the true Liberty of my people, will not ſuffer me at this time to bee ſilent. For how can any Freeborn Subject of *England* call Life, or any thing hee poſſeſeth his owne, if power without right, daily make new, and abrogate the Old Fundamental Laws of the Land, which I now take to bee the preſent caſe. Wherefore when I came hither, I expected that you would have endeavoured to have ſatisfied me concerning theſe grounds which hinder mee to anſwer to your pretended impeachment; but ſince that I ſee that nothing I can ſay will move you to it though Negatives are not ſo naturally proved as Affirmatives, yet I will ſhew you the Reaſon, why I am confident you cannot judge mee, nor indeed the meaneſt man in *England*; for, I will not, like

you, without shewing a reason, seek to impose a beliefe upon my Subjects.

* There is no proceeding just against any man, but what is warranted either by Gods Laws, or the Municipal laws of the Country where he lives. Now I am most confident, that this days proceeding cannot be warrante by God's *Law*; for, on the contrary, the autority of obedience unto Kings is clearly warranted and strictly commanded both in the Old and New Testament; which if denied, I am ready instantly to prove; And for the question now in hand, there it is said, *That where the word of a King is, there is Power, and who may say unto him, What doest Thou?* Eccles. chap. 8. ver. 4. Then for the lawes of this Land, I am no less

* *Hereabout I was stopt, and not suffered to speake any more concerning reason.*

leſs confident that no Learned Lawyer will affirm that an Impeachment can lie, againſt the *King*, they all going in his Name; and one of their Maxims is, *That the King can do no Wrong*. Beſides, The Law upon which you ground your proceedings, muſt either be old, or new, if old, ſhew it, if new, tel what authority warranted by the fundamental Laws of the Land hath made it, and when. But how the Houſe of Commons can erect a *Court* of Judicature, which was never one it ſelf, as is wel known to all Lawyers, I leave to God and the World to judge: And it were full as ſtrange, that they ſhould pretend to make Laws without King, or Lords Houſe, to any that have heard ſpeake of the Laws of *England*.

And admitting, but not granting that the People of *Englands Commiſſion* could grant your pretended Power, I ſee nothing yo

can shew for that, for certainly you never asked the question of the tenth man of the Kingdom, and in this way you manifestly wrong even the poorest Ploughman, if you demand not his free consent? nor can you pretend any colour for this pretended Commission without the consent at least of the major part of every man in England, of whatsoever qualitie, or condition, which I am sure you never went about to seek: so far are you from having it. Thus you see that I speak not for my own right alone, as I am your King, but also for the true Liberty of all my Subjects, which consists not in sharing the power of Government, but in living under such Law, such a Government as may give, themselves the best assurance of their lives and propriety of their goods. Nor in this must or do I forget the Priviledges of both Houses of Parliament, which this day's proceeding doth not

only

onely violate, but likewiſe occaſion the greateſt breach of their Publike Faith that I believe ever was heard of, with which I am far from charging the two Houſes; for all the pretended Crimes laid againſt me, bare date long before this late Treatie at *Newport*, in which I having concluded as much as in mee lay, and hopefully expecting the two Houſes agreement thereunto, I was ſuddenly ſurprized, and hurried from thence as a Priſoner, upon which account I am againſt my will brought hither, where ſince I am come, I cannot but, to my power, defend the ancient Laws and Liberties of this Kingdom, together with my own juſt right; then for any thing I can ſee the higher Houſe is totally excluded.

And for the Houſe of *Commons*, it is too well known that the major part of them, are deteined or deterred from ſitting, ſo as if I had no other, this were ſufficient for me to proteſt againſt

gainſt the lawfulneſs of your preten-
led Court. Beſides all this, the peace
of the Kingdom is not the leaſt in my
houghts, and what hopes of ſettle-
nent is there ſo long as power
aigns without rule of Law, changing
he whole frame of that Government
nder which this Kingdom hath flou-
iſhed for many hundred yeers,
nor wil I ſay what wil fall out in caſe
his lawleſs unjuſt proceeding againſt
ne do go on, and believe it, the Com-
mons of England wil not thank you
for this change, for they wil remem-
ber how happie they have been of
ate yeers under the Reign of Q. *Eli-*
zabeth, the King my Father, and my
ſelf, until the beginning of theſe un-
happie troubles; and will have cauſe
to doubt that they ſhall never be
ſo happie under any new. And
by this time it will be too ſen-
ſibly evident, that the Arms
took up were onely to defend the
fundamental

fundamentall Laws of this Kingdom, againſt thoſe who have ſuppoſed my power hath totally changed the ancient Government.

Thus having ſhewed you briefly the Reaſons, why I cannot ſubmit to your pretended authority without violating the truſt which *I* have from God for the welfare of my people: *I* expect from you either clear Reaſons to convince my judgment, ſhewing me that I am in an error, and then truly I wil readily Anſwer, or that you wil withdraw your proceedings.

This I intended to ſpeak in Weſtminſter Hall *on Monday* 22. Jannarie *but againſt reaſon was hindred to ſhew my Reaſons.*

A Copie of a Letter which was sent from the Prince to the King, Dated from the Hague *Ian.* 23, 1648.

SIR.

HAving no means to come to the knowledg of your Majesties present condition, but such as I receive from the Prints, or which is as uncertaine, Report. I have sent thi Bearer *Seamour*, to wait upos Your Majesty, I doe not onely pray for your Majestie according to my Dutie, but shall always be readie to do all which shall be in my power, to deserve that blessing which

I

I now humbly beg of Your Majesty upon

Sir,

Hague, Jan. 22. 1648.

Your Majesties

Most humble and most obedient Son and Servant,

Charls.

The Superscription was thus,

For the King.

Munday

Monday 29. *January* 1648.

A true Relation of the KINGS Speech to the Lady *Elizabeth*, and the Duke of *Gloceſter*, the day before his death.

HIs *Children being come to meet him, he firſt gave his bleſsing to the Lady* Elizabeth; *and bad her remember to tel her Brother* Iames, *whenever ſhe ſhould ſee him, that it was his Fathers laſt deſire, that hee ſhould no more look upon* Charls *as his eldeſt Brother only, but be obedient unto him as his Soveraign; and that they ſhould love one another, and forgive their Fathers Enemies: Then ſaid the King to her, Sweet heart, you'l forget this: No, ſaid ſhee, I ſhall never forget it while I live; and powring forth abundance of tears, promiſed him to write down the particulars.*

Then

Then the King taking the Duke of Glocester *upon his Knee, said, Sweetheart, Now they will cut off thy Fathers Head; upon which words the Child looked very stedfastly on him. Mark Child what I say, they will cut off my head, and perhaps make thee a King: But mark what I say, you must not be a King, so long as your Brothers,* Charls *and* James *do live: For they will cut off your Brothers heads when they can catch them, and cut off thy Head too at the last: and therefore I charge you, do not be made a King by them. At which the Child sighing, said I will be torn in pieces first. Which falling so unexpectedly from one so young, it made the King rejoyce exceedingly.*

Another

Another Relation from the Lady Elisabeths *own hand.*

WHat the *King* said to me the nine and twentieth of Ian. 1648. being the last time I had the happiness to see him, he told me, hee was glad I was come, and although he had not time to say much, yet somwhat he had to say to me, which he had not to another, or leave in writing, because he feared their Cruelties was such, as that they would not have permitted him to write to me. He wished me not to grieve and torment my self for him, for that would be a glorious death that he should die; it being for the Laws and Liberties of this Land, and for maintaining the true Protestant Religion: He bid me read Bishop *Andrews* Sermons, *Hookers Ecclesiasticall Politie*, and Bishop *Lauds* book against *Fisher*, which would ground me against Poperie. He told

told me, he had forgiven all his enemies, and hoped God would forgive them also; and commanded us, and the rest of my Brothers and sisters to forgive them. He bid me tel my Mother, That his thoughts had never strayed from her, and that his love should be the same to the last. Withal, hee commanded me and my Brother to be obedient to her. And bid me send his blessing to the rest of my Brothers and Sisters, with Commendation to al his Friends. So after he had given me his blessing, I took my leave.

Further, He commanded us all to forgive those people, but never to trust them; for they had been most false to him, and to those that gave him power and he feared also to their own soule: and desired me not to grieve for him, for he should die a Martyr, and that he doubted not but the Lord would settle his throne upon his Son, and that we should be all happier then we could

could have expected to have been, if he had lived. With many other things which at present I cannot remember.

Elizabeth.

Another Relation from the Lady Elizabeth.

THe King said to the *Duke of Gloucester*, that he would say nothing to him, but what was for the good of his soul: He told him, that he heard the Army intended to make him King; but it was a thing not for him to take upon him, if he regarded the welfare of his Soul; for he had two Brothers before him, and therefore commanded him upon his blessing, never to accept of it, unless it redounded lawfully up him, and commanded him to fear the *Lord*, and he would provide for him.

Finis.